

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Tommy L. Harris, #160366,

Plaintiff,

vs.

James Davis, Judge of the Laurens Municipal Court;
NFN Lynch, Lieutenant;
NFN Nelson, Sergeant; and
W.L. Bentley,

Defendants.

C.A. No. 3:05-0666-25BC

ORDER

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Joseph R. McCrorey, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge McCrorey recommends that the Complaint in this action be dismissed without prejudice and without issuance and service of process. (Doc. # 3). The Report also recommends that this case be deemed a “strike” for purposes of the “three strikes” rule of 28 U.S.C. 1915(g). The Report was filed on March 9, 2005. Plaintiff filed a request for an extension of time to file objections to the Report on March 22, 2005. (Doc. # 4). Plaintiff’s request was granted by Order of this Court on April 5, 2005. (Doc. # 6). Plaintiff was given until April 20, 2005 to file any objections to the Report. As of this date, Plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in

whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 3), and the Complaint in this action is dismissed without prejudice and without issuance and service of process. Additionally, the Report recommends that dismissal of this case be deemed a "strike" pursuant to 28 U.S.C. § 1915(g). Again, the plaintiff did not object to the dismissal being deemed a strike. Without objection, the dismissal is deemed a strike.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

June 1, 2005
Florence, South Carolina